Please type a plus sign (+) inside this box [+]

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22390 U.S.PTO 10/722820 112503

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No. B00-001-4

First Named Inventor or Application Identifier Ames et al.

Title Primary N-hydroxylamines

Express Mail Label No. EV324953225US EV324953225US

ADDRESS TO:
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

1. X *Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. X Applicant claims small entity status (see 37 CFR 1.27)

3. X Specification (Total Pages 59)
(preferred arrangement set forth below)
- Descriptive Title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

4. _ Drawings(s) (35 USC 113) (Total Sheets _____)

5. X Oath or Declaration (Total Pages 1)

a. ___ Newly Executed (Original or Copy)

b. X Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)

i. ___ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ____ Application Data Sheet. See 37 CFR 1.76

7. ___ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission

(if applicable, all necessary)

a. ___ Computer Readable Form (CRF)
b. ___ Specification Sequence Lising on: i. ___ CD-ROM or CD-R (2 copies); or ii. ____ paper
c. ___ Statement verifying identity of above copies
d. ___ Request to use CRF from another application

ACCOMPANYING APPLICATION PARTS

9. X Assignment Papers (cover sheet & documents(s))

10. X 37 CFR 3.73(b) Statement (where there is an assignee)

X Power of Attorney

11. _ English Translation Document (if applicable)

12. X a. Information Disclosure Statement (IDS)/PTO-1449

_ b. Copies of IDS Citations

13. _ Preliminary Amendment

14. X Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

15. _ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. X Other: Transmittal letter (2p)

17. **Priority**

This application claims priority to prior application No: 10/713,432, filed November 13, 2003, having the same title and inventors

Prior application information: Examiner _____ Group Art Unit ____

The entire disclosure of the prior application, from which an oath or declaration is supplied under 5b, is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. **Correspondence Address**

X Customer Number or Bar Code Label **23379**
(Insert Customer No. or Attach Bar Code Label here)

or

X Correspondence Address Below

NAME Richard Aron Osman

SCIENCE & TECHNOLOGY LAW GROUP

ADDRESS 75 Denise Drive

CITY Hillsborough STATE California ZIP CODE 94010

Country U.S.A. TELEPHONE (650) 343-4341 FAX (650) 343-4342

Name: Richard Aron Osman Registration No: 36,627

Signature: Date: November 25, 2003

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PTO/SB/17(09-00)
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FEE TRANSMITTAL EFFECTIVE OCTOBER 1, 2003

Fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT ($) $767.00

Complete if Known:
Application No. Not yet assigned
Filing Date Herewith
First Named Inventor Ames et al.
Group Art Unit Not yet assigned
Examiner Name Not yet assigned
Attorney Docket No. B00-001-4

METHOD OF PAYMENT (check one)

1. [X] The Commissioner is hereby authorized to charge indicated fees to:

   [X] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 and credit any over payments to:

   [X] Applicant claims small entity status. See 37 CFR 1.27

   Deposit Account Number 19-0750
   Deposit Account Name Science & Technology Law Group

2. X Payment Enclosed
   X Check
   ____ Money Order
   ____ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility application filing fee	385.
1002	340	2002	175	Design application filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional application filing fee	

SUBTOTAL (1) $ 385.00

2. CLAIMS

			Extra		Fee from below		Fee Paid
Total Claims	58	– 20 =	38	X	9.00	=	342.00
Independent Claims	1	– 3 =	0	X		=	0
Multiple Dependent Claims			0	X		=	0

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of twenty	342.00
1201	86	2201	43	Independent claims in excess of 3	0
1203	290	2203	145	Multiple dependent claim	0
1204	86	2204	43	Reissue independent claims over original patent	0
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	0

SUBTOTAL (2) $ 342.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	420	2252	210	Extension for response within second month	
1253	950	2253	475	Extension for response within third month	
1254	1,480	2254	740	Extension for response within fourth month	
1255	2,010	2255	1,005	Extension for response within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,330	2453	665	Petition to revive unintentionally abandoned application	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00
1809	770	2809	385	For filing a submission after final rejection (see 37 CFR 1.129(a))	
2810	770	1810	385	For each additional invention to be examined (see 37 CFR 1.129(a))	
Other fee (specify)					
Other fee (specify)					

SUBTOTAL (3) $ 40.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Richard Aron Osman

Signature _____ **Date** November 25, 2003

Reg. Number 36,627 **Deposit Account User ID** _____ (complete if applicable)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ames et al.	Group Art Unit: Not yet assigned
Serial No. Not yet assigned	Examiner: Not yet assigned
Filed: Herewith	Attorney Docket No. B00-001-4
For: *Primary N-hydroxylamines*	Date: November 25, 2003

This application is a continuation of US Serial No 10/713,432, filed 11/13/03, which is a continuation of Serial No. 10/038,135, filed 10/20/01, which is a continuation of US Serial No 09/429,412, filed 10/28/99, now US Pat No 6,455,589.

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

This application is a continuation of Serial No. 10/713,432, filed November 13, 2003, which is a continuation of Serial No. 10/038,135, filed October 20, 2001 which is a continuation of Serial No. 09/429,412 filed October 28, 1999, now US Pat No. 6,455,589, all having the same title and inventors. The enclosed Specification is identical to that of prior application 10/713,432, except for changing the Attorney Docket No., updating the related application section, and inserting a new set of claims. These changes introduce no new matter.

The new claims are identical to those allowed in USSN 09/429,412 (now, US Pat No.6,455,589) except that in claim 1, the solid has been omitted and the use defined in the previously recited label has been moved to the preamble.

The claimed pharmaceutical compositions are not suggested by the previously cited art. Linder (US Pat No. 3,892,859) discloses trifluoromethylphenyl halopyridazones, wherein the hydroxylamine group is directly joined to an electron-withdrawing aromatic ring, providing a structure that is functionally and structurally distinct from the hydroxylamine compounds of our claims. Klemchuk (US Pat No.3,778,464) describes exclusively secondary hydroxylamines, which are functionally and structurally distinct from the primary hydroxylamines of our claims. Krauss (US Pat No.5,60,143) similarly describes direct delivery of guanylate cyclase inhibitors, including hydroxylamine and methylhydroxylamine, as eye drops and ocular injections, and

expressly excludes oral delivery (Krauss, col.4, lines 19-35). Krauss does not teach or suggest any use of any substituted methylhydroxylamine, and does not suggest any pharmaceutical composition comprising an orally administrable effective unit dosage of a primary N-hydroxylamine, as required by our claims. Alburn et al. (US Pat No.3,997,594) describes hydroxamic acids, wherein the hydroxylamine group is directly joined to an electron-withdrawing carbonyl group, providing a structure that is functionally and structurally distinct from the hydroxylamine compounds of our claims.

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP

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